



Paul E. Mason, Esq.

Hourly Rate	\$450
Current	International Counsel Available for arbitration and mediation via videoconference, in addition to in-person proceedings where safe and appropriate. Experienced in using online platforms including Zoom.
Practice	30
Cases	50
Languages	English, French, Portuguese, Russian, Spanish

Current Employer-Title

International Counsel

Available for arbitration and mediation via videoconference, in addition to in-person proceedings where safe and appropriate. Experienced in using online platforms including Zoom.

Work History

Private practice, 2004 – Present; Of Counsel Affiliations, Veirano Advogados in Rio de Janeiro/São Paulo, 2011 – 2013; Bastos-Tigre, Coelho da Rocha e Lopes Advogados in Rio de Janeiro/São Paulo and Diaz Reus in Miami, 2004 – 2011; Attorney, Private Practice, 2001 – 2004; In-house Legal and Government Affairs Director (Latin America & Canada), 3Com, 1999 – 2001; President, Commercial Dispute Resolution Center of the Americas in Miami, 1996 – 1999; U.S. Legal Director, Modulo, S.A. (Brazilian IT security firm), 1996 – 1998; In-house Legal Director, Oracle (Latin America), 1994 – 1995; In-house Director (Legal and External Affairs, Latin America/Caribbean and Senior Counsel for Russia), Digital Equipment Corp., 1988 – 1994; Attorney/Consultant (International Group, Law Department), Bank of Boston, 1986 – 1987.

Experience as a Mediator

Specialization: Mediating large complex commercial disputes. These include multi-party cases and disputes with parties from Latin America, Europe and the U.S. Mediations conducted bilingually in Portuguese and Spanish as well as English. Successfully mediated two disputes with Russian parties.

Arranged and participated in world's first international mediation by videoconference, for ICDR case resolved successfully between Brazilian and U.S. multinational parties, 2006. Conducted commercial mediation on Zoom, September 2020.

Case experience as a mediator includes:

- Aircraft sales dispute between U.S. companies (2020);
- Agribusiness dispute between Central American growers and a multinational food distributor (2018);
- \$MM personal care products marketing-distribution dispute between Japanese and U.S. parties (2018);
- Mediating settlement of dispute between Costa Rican and U.S. companies in the charter aircraft/travel sector;
- Mediating settlement of dispute between Russian and British companies in the aviation sector;
- Mediating settlement of dispute between Russian and U.S. companies on shipping large quantities of foodstuffs;

- Mediating settlement of \$6 million multi-party dispute on electrical power generation and reinsurance with parties from Europe, Central America and U.S. (in Spanish & English);
- Mediating partial settlement of dispute between Brazilian mining and U.S./Dutch oil companies concerning post M&A environmental and tax liabilities (in Portuguese & English);
- Mediating settlement of public bid performance bond dispute between Argentine and U.S. reinsurance companies (\$5 million case, in English & Spanish);
- Mediating settlement of multi-party environmental dispute between eight multinational oil companies and local community (\$50+ million case);
- Mediating 20-30 internal disputes between U.S. multinational corporate parents and Latin and European subsidiaries.

Representative Issues Handled as a Mediator

Issues in the Central American - Brazilian food distribution dispute: dealing with the corporate cultures of a large multinational and a relatively small family enterprise.

Issues in the Costa Rican - U.S. airline charter dispute: how both companies can work together going forward to recover market share lost by charter plane problems, recognition of each side's efforts to solve the problems at the time; fair apportionment of damages to compensate the passengers etc.

Issues in the Russian - American shipping company dispute: demurrage due for delays in unloading cargo, to be offset by discounts on future bookings of cargo ships.

Issues in the Central American electrical power dispute: insurance for business interruption, damage to heavy duty electrical generating equipment.

Issues in the Brazilian oil & mining company merger and acquisition dispute included post-acquisition Brazilian tax and environmental/oil spill liabilities.

Issues in the Argentina / U.S. reinsurance dispute involved liability on an insurance claim for a performance bond in a government contract.

Issues in U.S. multinational corporate parent / Latin & European subsidiary disputes covered a wide range of subsidiary operational matters in the IT industry.

Issues in the multinational oil company mediation with the Massachusetts Attorney General involved responsibility for cleaning up large underground gasoline leak in residential area.

Years of Practice as a Mediator

30

Total Number of Cases Mediated

50

Mediation Experience as an Advocate or Party

Participated as advocate in 2005, representing a Brazilian executive client vs. a U.S.-based multinational energy company in an ICDR arbitration. The issue involved whether the client was entitled to a severance bonus which was triggered by certain project finance goals being met. Both sides accepted mediation after bilateral negotiations had stalled. The case was mediated using cross-border videoconferencing (New York, Washington, and Sao Paulo, Brazil) with an ICDR mediator and was settled. This was said to be the first international commercial mediation where videoconferencing was used, with success. Soon thereafter prepared an article about the experience (with names redacted) for the "Global Arbitration Review" (London) and the "Revista Brasileira de Arbitragem" (Brazilian Arbitration Journal, No. 11, July-September 2006).

Participated in two mediations of the same case as a party - the first one failed while the second succeeded. Being a party and advocate both give a mediator excellent perspectives. And being a party to one failed mediation and one successful one for the same dispute illustrates very well what to avoid and what to do to be successful in mediation.

Mediation Philosophy

Mediation is a most cost-effective way to settle your dispute. With mediation, the parties participate actively and help shape the way things go. It is primarily a communications process aimed at helping parties negotiate their own settlements.

In mediation, the parties themselves have the most power to get things done, with the help of an experienced mediator. The mediator will focus on trying to enhance communication and negotiation options between the parties themselves so they can generate their own resolution, encouragement and suggestions at the right time can be helpful.

One approach I find helpful is to schedule a two-stage mediation. The first session can be held relatively soon, after some basic fact-finding and legal research. The Mediator can help identify areas of uncertainty, unrealistic assumptions and encourage the parties to check them. This should pave the way for a more productive second session. If the parties do settle in the first session, no second session is necessary.

In international mediations with parties from different countries, the role of language (verbal and non-verbal) and culture is most important. A good mediator has to be aware of these key factors all the time. My experience includes conducting mediations in Spanish and Portuguese with parties from Argentina, Brazil, Panama and other Latin American countries.

There is no single way for mediations to be conducted. They are by nature flexible and depend upon the wishes of the parties. There are many paths to successful resolutions. The mediator will look for any new or latent issues to resolve which may surface during the initial session, such as emotional issues or internal disputes on one side. As a mediator I always assure counsel and clients that everything disclosed to the mediator during mediation will remain strictly confidential, unless specifically authorized to the contrary.

I do not work with a large volume of cases because I believe this would lessen the high degree of attention and care needed for every mediation. I usually focus on mediating large commercial cases, many of them international in scope and also work with medium size domestic disputes as well.

Mediation References

Ricardo Cata, Esq., rcata@uww-adr.com, (305) 266-1224; Thomas Meeks, Esq., tmeeks@zuckerman.com, (305) 358-5000; Michael Royster, Esq., Michael.Royster@royster.com.br, 55 21 2509-5782.

Alternative Dispute Resolution Training

ACE 22 - Process Essentials for AAA Arbitrators, 2022; ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; ACE20 Cyber Security: A Shared Responsibility, 2019; AAA ACE19 Case Finances: What Arbitrators Need to Know, 2019; Arbitration Awards - Safeguarding, Deciding and Writing Awards ACE01, 2018; AAA Inter-Cultural Competencies - Critical to Resolving Multi-Cultural Disputes, 2017; Faculty, AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2016; AAA Top Techniques for Improving Arbitration Case Management Efficiency Before and During the Hearing, 2016; AAA "Top Techniques for Improving Arbitration Case Management Efficiency Before and During the Hearing", 2016; AAA Dispositive Motions in Arbitration: Best Practices for Advocates & Arbitrators 2015; AAA Webinars, Arbitrability and Jurisdiction, 2014 and Arbitration in IP/Technology Disputes, 2013; Rio de Janeiro Bar Association, Evolution of Resolution of Commercial Disputes - An International View, 2012; ICDR 6th Annual Miami International Arbitration Conference, 2008; ICDR/Bar Association of Rio de Janeiro (OAB-RJ), III International Arbitration Conference, 2007; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2006; AAA International Arbitration Symposium, 2005; ICDR International Case Management Arbitrator Training, 2005; AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics ACE05, 2005; AAA Commercial Arbitrator II Training: Advanced Case Management Issues, 2004; AAA Arbitrator Update 2004; AAA Arbitrator I Training-Fundamentals of the Arbitration Process, 2003; AAA Advanced Mediation Skills Training, Miami, 2002; PUC-Minas University Law School, Alternative Dispute Resolution Techniques in Portuguese), 2001-02; World Intellectual Property Organization, Domain Name Panelist Workshop, Geneva, 2001; AAA International Commercial Arbitrator Training. TEACHING ADR: Adjunct Professor, FIU Law School, Miami teaching Intensive Mediation Workshop for exchange law students from Victoria University, Australia, 2017; Facilitator/Trainer for "Arbitration Fundamentals and Best Practices for New AAA Arbitrators (CORE)", Miami, 2016; Expert Assessor (Judge) for II IBA-VIAC International Commercial Mediation & Negotiation Competition, Vienna, July 2016 with participation of teams from over 30 law schools worldwide; Vis International Arbitration Pre-moot Arbitrator and Panel Chair in Miami, Rio de Janeiro, São Paulo and Curitiba in 2011, 2012, 2014, 2015, 2016; Petrônio Muñiz Brazilian National Law Student Arbitration Competition, Panel Chair (in Portuguese), Rio de Janeiro, 2012; Faculty member: Honorary Professor, Moscow Finance & Law Academy (Russia's largest private university), teaching Negotiation and Mediation Workshop in April 2011; Co-taught Master Class in ADR at Federal University, St. Petersburg, Russia, April 2011; Guest lecturer, "Combining Mediation and Arbitration (Med-Arb) to Resolve International Commercial Disputes: Western vs. Chinese Perspectives and Experiences," graduate law course on Latin American Commercial Arbitration, University of Miami Law School, November 2008; PUC- Minas University Law School/Belo Horizonte, Brazil, co-taught ADR Course for Brazilian lawyers and judges, 2001 & 2002; Nova University/Ft. Lauderdale, FL, Arbitration Training Course for Guatemalan lawyers and judges, 1998; various other ADR training.

Professional Licenses

Admitted to the Bar: Maine (1977), Massachusetts (1984). Florida Real Estate License: # 3056316 (2003); Brazilian Bar "OAB" Foreign Legal Consultant (2013); International Mediation Institute (IMI) Certified Mediator for Brazil, U.S.

Professional Associations

Silicon Valley Arbitration & Mediation Center (www.SVAMC.org): Director-General and Member, Tech List of 50+ Technology Expert Neutrals Worldwide (2017-present), Member Board of Directors, Tech Companies and Corporate Counsel Task Forces, and Co-Lead, Latin America/Caribbean Group; Miami International Arbitration Society, Co-founder; Florida Bar International Law Section's International Litigation & Arbitration Committee (now iLaw), Co-Founder and Past Vice-Chair; International Mediation Institute - first IMI-certified Mediator in Brazil.

Education

University of Maine School of Law (JD-1976); Johns Hopkins University Paul Nitze School of Advanced International Studies, Washington, DC & Bologna, Italy (MA, International Relations-1969); Yale (BA, Russian Studies-1967).

Awards and Honors

International Law Section of the Florida Bar: Best Committee Vice-Chair, (Co-founder, International Litigation & Arbitration Committee), 2002; Academic Honors:

M.A. with Distinction, Johns Hopkins University School of Advanced International Studies (SAIS); Top ranking in major field (Yale); Dean's List and International Moot Court Team (University of Maine Law School).

Publications and Speaking Engagements

RECENT PUBLICATIONS

"The Potential of the Singapore Convention for Art and Cultural Property Disputes", co-author with Prof. Attila M. Tanzi, Chair, International Law Faculty, University of Bologna - Italy, in the Journal of International Dispute Settlement (JIDS), Oxford University Press (expected November 2021).

"The Singapore Convention: A New Avenue for Corporate Counsel", LAW.COM|Corporate Counsel, July 28, 2020, at <https://www.law.com/corpocounsel/2020/07/28/the-singapore-convention-a-new-avenue-for-corporate-counsel/>

"Med-Arb, Arb-Med and Related Processes in Brazil and Beyond – Some Observations and Suggestions", chapter in Temas de Mediação e Arbitragem, vol. 4, pp. 327-357 (LexEditora S/A, São Paulo, July 2020).

"Videoconferencing in International Arbitration and Mediation Proceedings", <https://SVAMC.org/articles> May 2020.

"The Singapore Convention and its Benefits for Brazil", www.IMImediation.org February 2020. Portuguese version published in December 2020 in the Revista Brasileira de ADR (Brazilian ADR Journal, Rio de Janeiro).

With Carla Araújo Demchuk and Nazareth Serpa, translation of Singapore Convention on Mediation into Portuguese (August 2019), available on International Mediation Institute website www.IMImediation.org

"Development of Business Mediation in Brazil" (co-author), chapter on Brazil for worldwide publication of the Academy of International Dispute Resolution and Professional Negotiation (Hong Kong), expected 2019.

"International Commercial Arbitration Practice: 21st Century Perspectives. General Editor of book" containing 55+ chapters with Horacio Grigera-Naon as Co-Editor, Lexis-Nexis/Matthew Bender books/NY, 2010 with annual updates.

"Corporate Culture and Business Mediation", Kluwer Mediation blog, September 4, 2018, see <http://mediationblog.kluwerarbitration.com/2018/09/04/corporate-culture-business-mediation/>

"The Brazilian Mediation Wave - Will it Rise?", Kluwer Mediation blog, October 21, 2016, see <http://kluwermediationblog.com/2016/10/21/the-brazilian-mediation-wave-will-it-rise/>

"The New Brazil Mediation Law's Impact on International Business Disputes", AAA Dispute Resolution Journal, Vol. 70, No. 4 (2015).

"Arbitration and Mediation of Brazilian M & A Disputes", in Disputes Digest section of the China Business Law Journal, September 2015.

"Brazil: Proposed reforms to arbitration law ready for scrutiny". Global Arbitration Review (London) online, 7 October 2013.

"Brazil: Reforms to Dispute Resolution", Latin Lawyer (London) online, 15 October 2013.

"Suggested Changes to Brazil's Arbitration Law", The Commercial, Shipping & Investment Arbitration Watch (Madrid), Issue 19, July - September 2013.

"Dueling Tribunals at the Jirau Dam", revised version for IBA Arbitration News, September 2013 issue, and Vista Brazil, a Veirano monthly client newsletter, September 2012.

"The Arbitrator as Mediator, and Mediator as Arbitrator," JOURNAL OF INTERNATIONAL ARBITRATION, The Hague (December 2011) and Follow- On Note (JOIA, April 2012)

"Dispute Resolution in Brazil" for the Chinese investor website www.chinagoabroad.com 2011 - 2012.

Interviewed for and comments published as part of several articles in "A Closer Look at Arbitration in Brazil," Special Issue of Global Arbitration Review (London), Vol. 4, Issue 6 (January 2010).

RECENT SPEAKING ENGAGEMENTS, WEBINARS - SEE www.paulemason.info

Commercial Mediation Panels & Workshops in Brazil for Mediation & Negotiation Competitions in Brazil and India (2017)

"Mediating Commercial Disputes between Global and Local Companies", New York State Bar Assn. Brazil Chapter.

Compensation

\$450 Per Hour

Languages

English, French, Portuguese, Russian, Spanish

Citizenship

United States of America

Locale

Miami, FL

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.